REMARKS

In view of the above amendments and the following remarks, reconsideration is respectfully requested.

I. Objection to Figure 10

Although page 2 of the Office Action indicates that the objection to figure 10 has been overcome, the Applicants note that the Office Action Summary still indicates that the drawings are objected to. Appropriate correction is requested.

II. Amendments to the Claims

Independent claims 1 and 8-10 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

Support for these amendments can be found, at least, in Fig. 4A and paragraph [0023] of the specification.

III. 35 U.S.C. § 103(a) Rejection

Claims 1-5 and 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Suito (U.S. 2002/0054242) and Stella (U.S. 7,356,464). This rejection is believed clearly inapplicable to independent claims 1 and 8-10 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites a detection device including a noise level detecting section that detects a noise level of audio data included in a program signal, and including a

detection sensitivity determining section that determines a detection sensitivity (for detecting a particular program in the program signal) based on the detected noise level. In addition, claim 1 recites that the detection device includes a silent portion detecting section that (i) sets (as a threshold value) a minimum hold value (a) representing a minimum value of the audio data included in the program signal, (b) following a detected noise level, which is smaller than an immediately previous hold value, each time when the noise level is detected, and (c) gradually increasing during a time when a noise level smaller than the minimum hold value is not detected, (ii) changes a rate of the increase of the minimum hold value according to the determined detection sensitivity, and (iii) detects a silent portion of the audio data using the set threshold value.

Initially, the Applicants note that page 3 of the Office Action acknowledges that Suito fails to disclose or suggest above-mentioned features (i) and (ii). In view of the above, the present rejection of claim 1 relies on Stella for teaching the features that are admittedly lacking from Suito.

However, Stella merely teaches that a silence detector 11 detects silence in a compressed audio signal (see col. 2, lines 13-15) by estimating a signal power of the compressed audio signal, such that the silence is detected when the signal power level is below a given threshold and based on a duration of silence and at least one of (i) a local power linear deviation during the silence, (ii) a local power fall rate before the silence, and (iii) a local power rise rate at an end of the silence (see col. 4, lines 23-31 and 56-58). Specifically, it appears that Stella teaches that the "threshold" is adaptive based on factors (i), (ii) and/or (iii) (see col. 4, lines 34-36).

Thus, in view of the above, even though Stella teaches detecting silence using an adaptive threshold adjusted based on (i) a local power linear deviation during the silence, (ii) a local

power fall rate before the silence, and (iii) a local power rise rate at an end of the silence, Stella still fails to disclose or suggest (i) setting (as a threshold value) a minimum hold value (a) representing a minimum value of the audio data included in the program signal, (b) following a detected noise level, which is smaller than an immediately previous hold value, each time when the noise level is detected, and (c) gradually increasing during a time when a noise level smaller than the minimum hold value is not detected, and (ii) changing a rate of the increase of the minimum hold value according to the determined detection sensitivity, as recited in claim 1.

In other words, it is clear that Stella teaches changing a threshold, but fails to disclose or suggest a structure that requires (i) the minimum hold value to (a) represent a minimum value of the audio data included in the program signal, (b) follow a detected noise level, which is smaller than an immediately previous hold value, each time when the noise level is detected, and (c) gradually increase during a time when a noise level smaller than the minimum hold value is not detected and (ii) changing the rate of increase according to the determined detection sensitivity, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-5 and 7 would not have been obvious in view of Suito and Stella.

Furthermore, there is no disclosure or suggestion in Suito and/or Stella or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Suito to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-5 and 7 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 8, 9 and 10 are directed to a method, a program, and an integrated circuit, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 8, 9 and 10 are allowable over Suito and Stella.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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